

11-20-00

PTO/SB/29 (8/98)

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

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C P A
365
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CPA
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CHECK BOX, if applicable:
 DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No. of Prior Application	P112554
First Named Inventor	Alvin L. Neeley
Examiner Name	Underwood, D.
Group / Art Unit	3652
Express Mail Label No.	NOV 24 2000 EL 589683647US

RECEIVED

This is a request for a continuation or divisional application under 37 C.F.R. § 1.53(d), TO 3600 MAIL ROOM
(continued prosecution application (CPA)) of prior application number 09 / 440,149
filed on 11/15/99, entitled MANHOLE COVER LIFTING APPARATUS AND METHOD

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
 2. A preliminary amendment is enclosed.
 3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4)
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
.....
.....
.....
.....
 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
 4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed. (copy from prior app)
 5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations
- 11/22/2000 CV0111 00000022 09440149
01 FC:231 355.00 0P

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))	20	-20* =	0	x \$ _____ =	\$ 0.
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	3	-3** =	0	x \$ _____ =	0.
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$ _____ =	0.
				BASIC FEE (37 C.F.R. § 1.16)	355.00
				Total of above Calculations =	355.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	355.00

6. Small entity status:

- a. A small entity statement is enclosed, if (b) and (c) do not apply.
- b. A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 08 - 3260

- a. Fees required under 37 C.F.R. § 1.16.
- b. Fees required under 37 C.F.R. § 1.17.
- c. Fees required under 37 C.F.R. § 1.18.

8. A check in the amount of \$ 355.00 is enclosed.9. New Attorney Docket Number, if desired*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*10. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. Return Receipt Postcard (Should be specifically itemized, See MPEP 503)11. Other: Transmittal Ltr w/ Express Mail Cert., 3 Declarations w/Amendment**NOTE:**

The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS Customer Number or Bar Code Label

.....

(Insert Customer No. or Attach bar code label here)

or New correspondence address below

Name	Robert B. Hughes			
	HUGHES & SCHACHT, P.S.			
Address	2801 Meridian Street, Ste. 1 Bellingham, WA 98225			
City	Bellingham	State	WA	Zip Code
Country	U.S.	Telephone	360-647-1296	Fax 360-671-2489

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Robert B. Hughes
Signature	
Registration No. (Attorney/Agent)	19,304
Date	November 15, 00

LAW OFFICES OF

HUGHES & SCHACHT, P.S.

A PROFESSIONAL SERVICE CORPORATION

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MICHAEL F. HUGHES



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Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

November 15, 2000
Docket No. P112554

NOV 24 2000

Sir:

TO 3600 MAIL ROOM

Transmitted herewith for filing is a Continued Prosecution Application (CPA) (37 C.F.R. 1.53 [d]); continued from Ser. No. 09/440,149 filed 11/15/99, which is a continuation of U.S.S.N. 09/233,417 filed 1/19/99, which is a continuation of U.S.S.N. 08/625,698 filed 4/3/96, which is a continuation of 08/489,360 filed 6/12/95. in re:

Applicant(s): Mr. Alvin L. Neeley and Steven M. Davis
Title: MANHOLE COVER LIFTING APPARATUS AND METHOD

1. Enclosed are:

- a) A stamped return receipt postcard;
- b) A check in the amount of \$ 355.00 for Filing Fee;
- c) Certificate of Express Mailing requesting treatment under 37 CFR 1.10, Express Mail Filing Date of November 02, 2000, Label No. EL589683647US;
- d) 2-page Continued Prosecution Application Form in duplicate;
- e) 19-page Preliminary Amendment;
- f) 6-page Declaration of Ed Mecum (including 1-page letter to Steve Davis);
- g) 8-page Declaration of Steve Davis (including 5-page added material);
- h) 10-page Declaration of Steve Davis (including additional material);
- i) 4-page Copy of Executed Combined Declaration and Power of Attorney from Great Grandparent Application 08/625,698;
- j) 2-page IDS form PTO-1449;
- k) 2-page Copy of Executed Verified Statement Claiming Small Entity Status from Great Grandparent Application 08/625,698.

EXPRESS MAIL CERTIFICATE OF MAILING

37 C.F.R. §1.10

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, Express Mail Post Office to Addressee, in an envelope addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, DC 20231, on the date shown below.

Express Mail No: EL589683647US

Signature: 

Print Name: Robin Fry

DATE MAILED: November 15, 2000